IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 2 0 2005

plication No.:

10/777,411

4318

Filed:

February 12, 2004

First Named Inventor:

onfirmation No.:

Charles R. Gordon

Title:

ARTIFICIAL SPINAL UNIT

ASSEMBLIES

Examiner:

T. C. Barrett

Art Unit:

3738

Atty. Dkt. No.:

5943-00300/EBM

CERTIFICATE OF MAILING UNDER 37 C.F.R §1.8

DATE OF DEPOSIT:

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Sir:

Applicant encloses the following:

- Election Under 37 C.F.R. §§ 3.71 and 3.73 and Power of Attorney (2 pages); and (1)
- **(2)** A return postcard.

Should any fees be required, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5943-00300/EBM.

Respectfully submitted

Eric B. Mevertons Reg. No. 34,876

Attorney for Applicant

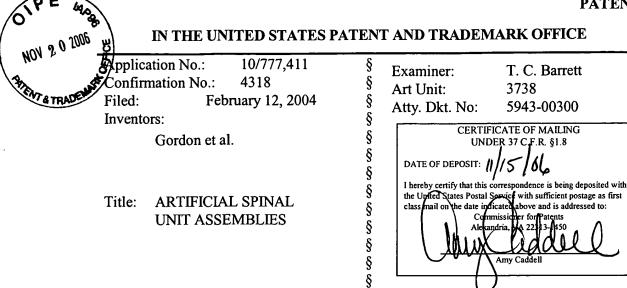
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ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

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The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office at reel 016732, frame 0318, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints: (1) the practitioners at Customer Number 35690, which currently includes:

Mark K. Brightwell	Reg. No. 47,446
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each an attorney or agent of the firm of MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Flexuspine, Inc., referenced above, and certify that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Eric B. Meyertons, Esq.
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ASSIGNEE:

Flexuspine, Inc

Vincent J. Jannetty

Title: Chief Executive Officer

Date: Sept 5, 2006